

Closed Churchyard Policy

| Policy Number | Version | Owner | Doc No. | PDF No. | Date Published | Review Date | Review Team |
|---------------|---------|-------|---------|---------|----------------|-------------|-------------|
| CSM | 1 | ESM | 85166 | | | | Manager |

Distribution

Internal: All SCC Staff

External: Website/Councillors/Partners

1. Background

- 1.1. Section 215 of the Local Government Act 1972, a Parochial Church Council (PCC) can require the local authority, upon three months notice, to assume responsibility for the maintenance of a closed churchyard, or specific parts of a churchyard which are deemed to be closed. A churchyard is closed if one of the following conditions is met:-
 - The churchyard is full
 - The continuing use of the churchyard for burials may constitute either a risk to public health or be contrary to decency
 - The discontinuance of burials may prevent or mitigate nuisance
- 1.2. If an incumbent and Parochial Church Council (PCC) wish a churchyard to be closed, an Order in Council under the Burial Act 1853 (Section 1) has to be sought from the Home Office.
- 1.3. Initially the obligation for a closed churchyard would then be passed to the Parish or Town Council, who may decide to accept the obligation or decline. In the instance that Salisbury City Council, declining to maintain the churchyard, the obligation is then passed to Wiltshire Council. (Whilst the legal requirement is a three month notice period it is customary to give informal notice 12 months prior to the application for an order being made to enable local authorities to make adequate budgetary provision.)
- 1.4. Section 215 of the Local Government Act 1972 also requires that where 'a churchyard has been closed by an Order in Council the parochial church council shall maintain it by keeping it in decent order and its wall and fences in good repair.' This obligation is also placed on to parish or district councils.

2. Grounds Maintenance

- 2.1. This document clarifies the approach that Salisbury City Council will take to the maintenance of closed churchyards. Any churchyards where the maintenance responsibility is transferred to Salisbury City Council will be maintained at this minimum standard, unless additional funding to cover any enhancements to this level of service is provided by the PCC, or other body to cover the additional costs incurred.
- 2.2. Churchyards which are to be transferred to the Salisbury City Council must be in good order & repair and have been maintained to the satisfaction of the City Council at the point of transfer.
- 2.3. PCC Parish Office will be asked to provide their Memorial Risk Assessments and grounds maintenance plans prior to Salisbury City Council assuming responsibility of a closed church yard.

- 2.4. Salisbury City Council will maintain all adopted churchyards to a greater standard where resources are available, the additional expenditure is justified, and determined to be the most appropriate use of resources by the appointed officer. Where the PCC wish for a higher level of maintenance or wish to seek an alternative scheme of maintenance, this can be negotiated at the point of transfer or at any later stage. Any additional cost will be borne by the PCC. Any unforeseen emergency maintenance/repairs or vandalism will be addressed by Salisbury City Council as additional works.
- 2.5. Individual management plans will be developed where they are appropriate due to the specific nature or character of a churchyard and will be agreed in conjunction with the council's appointed officer and a member of the PCC. The appointed officer will actively seek community engagement in development of the management plan. Where additional cost is incurred due to an enhancement in the maintenance specified by the management plan, this cost will not be incurred by the Salisbury City Council. Wherever possible the Salisbury City Council will seek to utilise organisations and methods of maintenance that are cost effective such as the use of voluntary groups.
- 2.6. Any management plan will be designed to meet the council's commitment to biodiversity. The biodiversity of a closed churchyard will actively be encouraged by utilising the knowledge and expertise of the Parks Team to ensure that where practicable, adopted churchyards are managed as an urban environment in accordance with Salisbury City Council's Environmental Policy Action Plan. Any deviation from the maintenance schedule (Appendix A) will be at the discretion of Salisbury City Council.

3. Memorial Safety

- 3.1. Memorial Safety Inspections will be carried out every 2-5 years and this would be on a rolling test cycle at the various sites.
- 3.2. A Faculty from the Diocese would be required (PCC to arrange this) before any memorials are inspected by Salisbury City Council due to plots/memorials being on consecrated land. This process will be facilitated by the Salisbury City Council Crematorium and Cemeteries management team.
- 3.3. PCC Parish offices remain responsible for the plots and contacting the owners (if possible). Salisbury City Council will just carry out the inspections and relay the information back to their office.

Appendix A

Information based on 5 closed Churchyards within the Parish (Not SCC cemeteries)

- St Thomas's
- St Martin's
- St Clement's (Secret Garden)
- St Andrew's
- Lower Bemerton St John's place

Schedule of Memorial Safety Inspections

Inspections to take place every 2-5 years sometime over the months of January and February. There may be occasions when an inspection is carried out at a different time due to memorial safety concerns.

| Element | Operation | J | F | M | A | M | J | J | A | S | O | N | D |
|---------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Memorials | | | | | | | | | | | | | |
| Topple test | Assistant Crematorium and Cemeteries Manager to notify Parks Manager when an inspection of the memorials should take place. When a date is agreed, Grounds Operatives will carry out a topple test of all memorial stones within the Churchyard. | ✓ | ✓ | | | | | | | | | | |
| Laying down unstable memorials | During the inspection, if the Grounds Operatives come across a memorial that is unstable and could pose a health and safety risk they will carefully lay it down over the top of the grave or leave signage informing the general public that the memorial is unsafe. Additional services may need to be appointed when dealing with heavy memorials. | | | | | | | | | | | | |
| Reporting findings and actions | All information will be reported back to the Assistant Crematorium and Cemeteries Manager including any action which was taken to make a memorial safe. The Assistant | | | | | | | | | | | | |

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| Crematorium and Cemeteries Manager will then record all relevant information and contact PCC Parish Offices to report the findings. | | | | | | | | | | | | | | |
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Schedule of Grounds Maintenance

| Element | Operation | J | F | M | A | M | J | J | A | S | O | N | D |
|--------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grass | | | | | | | | | | | | | |
| Amenity | The grass is to be cut on six occasions per year from April – September. The grass will be pruned to a length of no longer than 40mm and be short/medium in appearance. Arising's will not be collected or removed. | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| Long grass area's | An arrangement can be made between SCC and the Church to leave grass areas to grow long to aid biodiversity. These area's will be cut and collected once a year. | | | | | | | | | | ✓ | | |
| After each cut | After each grass cutting visit, grave stones and paths will be blown using a blower. This will remove loose grass but will not clean away surface residues. | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Hedges | | | | | | | | | | | | | |
| Perimeter hedging | Hedges will be cut once a year over the winter to a height and size that is manageable for SCC Grounds staff. Cuttings will be removed from site. The SCC tree policy will be used to inform any decisions regarding high hedge issues. | | | | | | | | | | | ✓ | |
| Shrubs | | | | | | | | | | | | | |
| Small ornamental shrubs | Small shrubs or bushes which can be pruned without the need to work at height will be cut once a year and have a tidy managed appearance unless growing on or next to new | | | | | | | | | | | ✓ | |

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| | graves. The SCC tree policy will be used to inform any decision relating to work on large shrubs and trees. | | | | | | | | | | | | | |
| Roses | Roses will be pruned back once a year to a manageable size. | | | | | | | | | | | | ✓ | |
| Gardens | | | | | | | | | | | | | | |
| Formal beds | Existing beds will be weeded on three occasions per year. Mulch will be topped up where necessary. | | | ✓ | | | ✓ | | | | | | ✓ | |
| Paths | | | | | | | | | | | | | | |
| Clearance | Paths will be blown once a year in the Autumn to remove any leaves. | | | | | | | | | | | | ✓ | |
| maintenance | Existing foot paths will be edged once per year and weeded where necessary. Weeding operations will be carried out using a hoe rather than the use of herbicides. Paths will appear defined after operations. | ✓ | | | | | | | | | | | | |
| Trees | | | | | | | | | | | | | | |
| | Trees within the churchyard will receive a visual informal inspection on four occasions per year by an SCC Parks Officer and any findings will be dealt with in line with the SCC tree policy. | ✓ | | | ✓ | | | ✓ | | | | | ✓ | |
| Inspections | | | | | | | | | | | | | | |
| Site visits | A Parks Officer will visit the site four times per year to carry out a general inspection of the grounds including boundary fences, walls, and benches/furniture. | ✓ | | | ✓ | | | ✓ | | | | | ✓ | |